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SERVICE DATE - FEBRUARY 27, 2004

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-600

Yakima Interurban Lines Association - Adverse Abandonment - In Yakima County, WA

BACKGROUND

In this proceeding, Kershaw Sunnyside Ranches, Inc. (Kershaw or applicant) filed an adverse application under 49 U.S.C. 10903 seeking the abandonment of a portion of Yakima Interurban Lines Association's (YILA) Naches Line in Yakima County, Washington (WA). The Naches Line is approximately 11.29 miles long and occurs between Milepost 2.97 at Fruitvale and Milepost 14.26 at Naches. The portion to be abandoned is an approximately one-mile long segment that crosses Kershaw's property (subject line). A map depicting the rail line in relationship to the area served is appended to this report.

DESCRIPTION OF THE LINE

The subject line is located in Yakima County, WA. The surrounding land is zoned "valley rural" by the county and existing land uses in the vicinity of the line are agricultural. The subject line passes between an apple orchard and a warehouse. The width of the right-of-way (ROW) is typically 75 feet.

Kershaw states that it filed the adverse abandonment application because the Naches Line has been inoperable, and there has been no traffic on the line for approximately seven years. It states that the Naches Line is in complete disrepair, as large sections of the track are missing, portions of the track are suspended by the rail due to erosion of the roadbed, and portions of the line are covered with rocks and debris while others are covered with thick vegetation. Kershaw also asserts that the vegetation on the line promotes the proliferation of noxious weeds and pests that are unsightly and create a fire hazard. According to Kershaw, there have been no rail movements since 1996.

The ROW for the Naches Line was originally purchased by the North Yakima & Valley Railway Company in 1905. The line was conveyed at some point to Northern Pacific Railway Company. Burlington Northern and Santa Fe Railway (BNSF) subsequently acquired the line from Washington Central Railroad in 1996. In 1999, BNSF conveyed the Naches Line to YILA. Kershaw states that there are no structures that are 50 years old or older on the ROW of the subject line.

ENVIRONMENTAL REVIEW

Kershaw submitted environmental and historical reports that indicate that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. Kershaw served these reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) reviewed and investigated the record in this proceeding.

The U.S. Department of Agriculture, Natural Resources Conservation Service (formerly the Soil Conservation Service) stated that the soils along the subject line are not considered Prime Farmland.

The U.S. Army Corps of Engineers - Seattle District concluded that the proposed abandonment, as outlined by Kershaw, would not involve the discharge of dredged or fill material in waters of the United States, including wetlands. Therefore, a Department of the Army permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) would not be required.

The U.S. Fish and Wildlife Service - Central Washington Field Office (USFWS) stated that the following three Federally listed threatened species may be present in the vicinity of the subject line:

- Bald eagle (*Haliaeetus leucocephalus*)
- Bull trout (*Salvelinus confluentus*)
- Ute ladies'-tresses (*Spiranthes diluvialis*)

If these species occur in the vicinity of the subject line, the USFWS stated that a Biological Assessment (BA) would be prudent. Therefore, SEA has recommended a condition to address this concern.

During a telephone conversation, the U.S. Environmental Protection Agency - Region 10 (USEPA) expressed preliminary concerns that the adverse abandonment would limit future freight and passenger rail opportunities on the balance of the Naches Line. Because rail service is generally more fuel efficient than trucks for moving large quantities of goods, any loss of rail service opportunities on the Naches Line could result in the loss of the future energy saving opportunities.

The WA Department of Fish and Wildlife stated that the subject line is located within a 100-year floodplain, but that wetlands are not present. There are no Federal or state wildlife sanctuaries, wildlife refuges, parks or forests nearby.

The WA Department of Ecology, Water Quality - Central Regional Office stated that the proposed abandonment would likely not require a construction permit or result in water quality standard violations. Kershaw stated that there are no known hazardous waste sites on the ROW of the subject line.

The WA Office of Archaeology and Historic Preservation (the State Historic Preservation Office or SHPO) stated that it was unable to complete an assessment of impacts to historic and cultural properties based on the information provided by Kershaw (Log: 020504-30-YA). Unless additional and clarifying information is supplied by Kershaw, the SHPO recommended that a survey be conducted for traditional cultural and historic properties. Therefore, pending resolution of these issues, SEA recommends a condition to address the SHPO's concerns.

CONDITIONS

We recommend that the following environmental conditions be placed on any decision granting abandonment authority:

1. The applicant shall consult with the U.S. Fish and Wildlife Service (Central Washington Field Office) on the need for and scope of field surveys and Biological Assessments for Federally listed species. The applicant shall report the results of these consultations to the Board's Section of Environmental Analysis.
2. The applicant shall retain its interest in and take no steps to alter the historic integrity of the right-of-way until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the ROW may be suitable for other public uses. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the applicant and railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the applicant and railroad, within 20 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of ROWs as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at 202-565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of David Navecky, who prepared this environmental assessment. **Please refer to STB Docket No. AB-600 in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to David Navecky at 202-565-1593 (naveckyd@stb.dot.gov).**

Date made available to the public: February 27, 2004

Comment due date: **March 29, 2004**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

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Approximate Endpoints of Proposed Adverse Abandonment

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